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FILED

JAN 13 2010 ✓

U.S. BANKRUPTCY COURT
SANTA ROSA, CA

7 Attorneys for Plaintiff
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10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SANTA ROSA DIVISION
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14 In re:

[S.D.N.Y Bankr. Case No. 09-11010 (REG)]

Chapter 11 (Jointly Administered)

15 SOLSTICE, LLC, *et al.*,
16

17 Debtors.
18 _____ /

Adversary Proceeding No. 09-01186
[Related Adversary Proceeding No. 09-1179]

19 Solstice, LLC

20 Plaintiff,
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21 vs.
22

EX PARTE MOTION FOR ORDER
GRANTING SHORT-TERM EXEMPTION
FROM E-FILING REQUIREMENTS
PENDING COMPLETION OF TRAINING
SESSION; DECLARATION OF COUNSEL;
PROPOSED ORDER

23 Graham Kos; Tim Wolff; Tim Weller;
Chad Morse; James Kime; Shay LLC;
Beale LLC; Winston & Strawn LLP;
24 Jonathan Cohen; Novogradac & Company
LLP; Jon Krabbenschmidt; Shay Kos; and
25 DOES 1 through 400.
26

26 Defendants.
27 _____ /
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1.

Plaintiff's Ex Parte Motion for Order Granting Short-Term Exemption from E-Filing Requirements Pending
Completion of Training Session

1 Plaintiff Solstice, LLC hereby applies to the Court for an Ex Parte Order Granting
2 Short-Term Exemption from E-Filing Requirements Pending Completion of Training Session.
3 This application, which seeks permission to file documents in the above adversary proceeding
4 until February 22, 2010, is based on the Declaration of Joshua S. Markowitz, as set forth
5 below.

6
7 DATE: JANUARY 11, 2010

CARCIONE, CATTERMOLLE, DOLINSKI,
OKIMOTO, STUCKY, UKSHINI,
MARKOWITZ & CARCIONE, LLP.

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10 By: 

Attorney for Plaintiff

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13 **DECLARATION OF COUNSEL**

14 I, Joshua S. Markowitz, declare:

15 1. I am an attorney at law duly licensed to practice law before all the courts of the
16 State of California and am a partner with the Law Offices of Carcione, Cattermole, Dolinski,
17 Okimoto, Stucky, Ukshini, Markowitz & Carcione, L.L.P., the attorney of record for the
18 Plaintiff in this litigation.

19 2. On December 17, 2009, Defendants Winston & Strawn, LLP filed a Notice of
20 Removal, pursuant to 28 U.S.C. Section 1452 under Adversary Proceeding No. 09-1179, in the
21 United States Bankruptcy Court, Northern District of California.

22 3. On December 17, 2009, Defendants Winston & Strawn, LLP also filed a
23 Motion to Transfer Venue of Removed Action Pursuant to 28 U.S.C. § 1412 under Adversary
24 Proceeding No. 09-1179, in the United States Bankruptcy Court, Northern District of
25 California.

26 4. On December 23, 2009, Defendants Novogradac & Company filed a Notice of
27 Removal Pursuant to 28 U.S.C Section 1452 under Adversary Proceeding No. 09-1186.
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2.

Plaintiff's Ex Parte Motion for Order Granting Short-Term Exemption from E-Filing Requirements Pending
Completion of Training Session

5. On January 5, 2010, Defendants Novogradac & Company joined Defendants Winston & Strawn, LLP's Motion to Transfer Venue of Removed Action Pursuant to 28 U.S.C. § 1412 under Adversary Proceeding No. 09-1179 and related Adversary Proceeding No. 09-1186.

6. Neither myself nor the attorneys at Carcione, Cattermole, Dolinski, et al. are registered to electronically file documents with the United States Bankruptcy Court, Northern District of California.

7. On January 7, 2010, I registered for the first available training class for the United States Bankruptcy Court, Northern District of California that did not present a scheduling conflict, which was February 9, 2010.

8. On January 8, 2010, I received confirmation from the Court that I was registered for their next available training class, which would be held on **February 18, 2010 at 9:00 a.m.**

9. Given the above training class schedule, I anticipated that I will be registered to electronically file with the Court by February 22, 2010. As such I request that the Court grant my firm a short-term exemption from the electronic-filing requirements in the related Adversary Proceedings (No. 09-1179 & No. 09-1186) until that date. During this period of exemption from electronically filing, and in order to alleviate the resulting burden on the Court as much as possible, any paper documents filed by my firm will be concurrently submitted on a disk or in other electronic format as designated by the Court.

10. Defense counsel has been advised that my firm would be filing an ex-parte requesting the aforementioned relief.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on January 11, 2010, at Redwood City, California.

Joshua S. Markowitz, Esq.